



ROBINSON MCFADDEN
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.
COLUMBIA, SOUTH CAROLINA

October 28, 2010

VIA ELECTRONIC FILING

Jocelyn Boyd, Interim Chief Clerk of the Commission
Public Service Commission of South Carolina
PO Drawer 11649
Columbia, SC 29211

**Re: Birch Communications, Inc.
Docket No. 2010-325-C
Our File No. 30803-0001**

Dear Jocelyn:

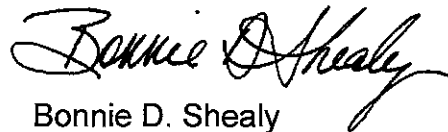
We are filing herewith the Affidavits of Publication from the following newspapers:

1. Greenville, *The Greenville News*;
2. Columbia, *The State*; and
3. Charleston, *The Post and Courier*.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.


Bonnie D. Shealy

BDS/tch

Enclosures

cc: Angela F. Collins, Esquire (via email)

Bonnie D. Shealy

1901 MAIN STREET, SUITE 1200

POST OFFICE BOX 944

COLUMBIA, SOUTH CAROLINA 29202

PH

(803) 779-8900 | (803) 227-1102 *direct*

FAX

(803) 252-0724 | (803) 744-1551 *direct*

bshealy@robinsonlaw.com

TONIC C. HAWKINS ROBINSON, MCFADDEN & MOORE
PO BOX 944
COLUMBIA SC 29202

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

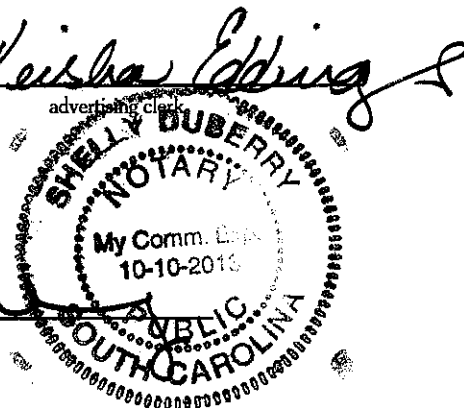
appeared in the issues of said newspaper on the following day(s):

10/01/10 Fri PC
10/01/10 Fri CNW

at a cost of \$341.58
Account# 107217
Order# 396577
P.O. Number: 30803-0001

Subscribed and sworn to before
me this 6th day
of October
A.D. 2010

NOTARY PUBLIC, SC
My commission expires



PUBLIC SERVICE COM-
MISSION OF SOUTH
CAROLINA
CLERK'S OFFICE
NOTICE OF FILING

DOCKET NOS.
2010-325-C,
1999-323-C,
2000-265-C AND
2001-21-C

BIRCH COMMUNICATIONS, INC. (Birch Communications) or "Purchaser"; Birch Telecom of the South, Inc. d/b/a Birch Telecom; (collectively the "Company"); and American Fiber Networks, Inc. ("AFN" or "Seller") (Birch Communications, Birch Telecom, and AFN, collectively the "Joint Applicants") have jointly filed an Application with the Public Service Commission of South Carolina ("Commission") for authority to transfer Seller's telecommunications assets and South Carolina customer base to the Company. This request is made pursuant to S.C. Code Ann. §§ 58-9-280, 58-9-300 and 58-9-310. The assets to be purchased include customer accounts, accounts receivable, customer agreements and contracts, vendor agreements and contracts, and intellectual property. According to the Joint Application, the proposed transaction will be transparent to customers and will not have a negative impact on the public interest, services to South Carolina customers, or competition.

A copy of the Application is on file in the offices of the Commission, 1015 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at www.psc.sc.gov under Docket Number(s) 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. A copy of the Application is also available from Bonnie D. Shealy, Esquire, Robinson, McFadden & Moore, P.C., P.O. Box 944, Columbia, SC 29202.

A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date.

Any person who wishes to participate in this matter as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before **October 28, 2010**, and indicate the amount of time required for his presentation. Please include an email address for receipt of future

Commission correspondence in the Petition to Intervene. **Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.**

Any person who wishes to testify and present evidence at the hearing should notify the Clerk's Office, in writing, at the address below, the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and Bonnie D. Shealy, Esquire, at the above address, on or before **October 28, 2010**, and indicate the amount of time required for his presentation. **Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.**

Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office, in writing, at the address below, on or before **October 28, 2010**. **Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.**

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100.

Public Service Commission of South Carolina
Attn: Clerk's Office
Post Office Drawer 11649
Columbia, SC 29211

9/27/10 AD# 396577

**NOTICE OF
FILING**

DOCKET NOS. 2010-
325-C, 1999-323-C,
2000-265-C AND 2001-
21-C

Birch Communications, Inc. ("Birch Communications" or "Purchaser"), Birch Telecom of the South, Inc. d/b/a Birch Communications ("Birch Telecom") (collectively the "Company"); and American Fiber Network, Inc. ("AFN" or "Seller") (Birch Communications, Birch Telecom and AFN collectively, the "Joint Applicants") have jointly filed an Application with the Public Service Commission of South Carolina ("Commission") for authority to transfer Seller's telecommunications assets and South Carolina customer base to the Company. This request is made pursuant to S.C. Code Ann. §§ 58-9-280, 58-9-300 and 58-9-310. The assets to be purchased include customer accounts, accounts receivable, customer agreements and contracts, vendor agreements and contracts, and intellectual property. According to the Joint Application, the proposed Transaction will be transparent to customers and will not have a negative impact on the public interest, services to South Carolina customers, or competition. A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the

THE STATE MEDIA CO., INC.
Columbia, South Carolina
publisher of
The State

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

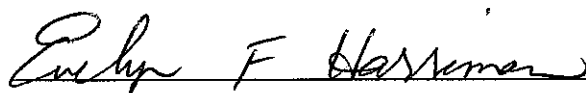
Notice of Filing – Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C- Birch Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 1, 2010

Subscribed and sworn to before me

on this day October 5, 2010



Notary Public

My commission expires
March 10, 2013

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

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Public Service Commission of South Carolina
Attn: Clerk's Office
Post Office Drawer
11649
Columbia,
South Carolina 29211
9/27/10

AFFIDAVIT

I, Susan Mullins, being the
Advertising Sales Agent for Gannett, Inc., do hereby testify that
the attached legal ad was published on
10-5, 2010,

in *The Greenville News* and/or *The Tribune Times*.

Susan Mullins

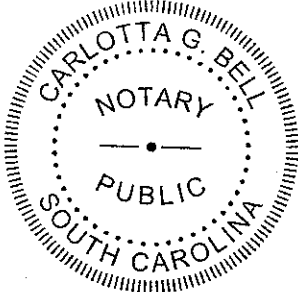
Sales Agent

Carlotta G. Bell

Carlotta G. Bell

Notary Public for the State of South Carolina

My Commission Expires July 22, 2020



Ad Text:

4648944PUBLIC SERVICECOMMISSIONOF
SOUTHCAROLINA CLERK'S OFFICE NOTICE OF
FILING DOCKET NOS. 2010-325-C, 1999-323-C,
2000-265-C AND 2001-21-C Birch Communications, Inc.
("Birch Commu-nications" or "Purcha-ser"); Birch
Telecom ofthe South, Inc., d/b/aBirch
Communications("Birch Telecom") (co-llectively the
"Comp-any"); and AmericanFiber Network, Inc.("AFN"
or "Seller")(Birch Communica-tions, Birch Telecomand
AFN collectively, the "Joint Applicants")have jointly filed
an Ap-plication with the Pub-lic Service Commissionof
South Carolina ("C-ommission") for au-thority to transfer
Sell-er's telecommunica-tions assets and SouthCarolina
customer baseto the Company. Thisrequest is made
pursu-ant to S.C. Code Ann. §§58-9-280, 58-9-300
and58-9-310. The assets tobe purchased includecustomer
accounts, ac-counts receivable, cus-tomer agreements
andcontracts, vendoragreements and con-tracts, and
intellectualproperty. According tothe Joint Application,the
proposed Trans-action will be transpa-rent to customers
andwill not have a negativeimpact on the public in-terest,
services toSouth Carolina custom-ers, or competition. A
copy of the Applica-tion is on file in the of-fices of the
Commis-sion, 101 Executive Cen-ter Drive,
Columbia,South Carolina 29210and on the Commis-sion's
website atwww.psc.sc.gov underDocket Number(s)
2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C.
Acopy of the Applicationis also available fromBonnie D.
Shealy, Es-quire, Robinson,McFadden & Moore, PC,P.O.
Box 944, Columbia,SC 29202. A public hearing,
ifscheduled, will be heldin Columbia, South Car-olina, in
the offices ofthe Commission at theabove address, for
thepurpose of receivingtestimony and otherevidence from
all inter-ested parties regardingthis Application. Thetime
and date of thishearing will be fur-nished to all
interestedparties at a later date. Any person who wishesto
participate in thismatter, as a party of re-cord with the
right ofcross-examination,should file a Petition
toIntervene in accor-dance with the Com-mission's Rules
of Prac-tice and Procedure onor before October 28,2010,
and indicate theamount of time re-quired for his
presenta-tion. Please include anemail address for rec-eipt
of future Commis-sion correspondence inthe Petition to
Inter-vene. Please refer toDocket Nos.
2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C.
Any person who wishesto testify and presentevidence at
the hearingsshould notify theClerk's Office, in writ-ing, at
the address be-low, the Office of Regu-latory Staff at
1401Main Street, Suite 900,Columbia, South Caroli-na
29201, and Bonnie D.Shealy, Esquire, at theabove
address, on orbefore October 28, 2010,and indicate
theamount of time re-quired for his presenta-tion. Please

refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Clerk's Office, in writing, at the address below on or before October 28, 2010. Please refer to Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing. Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100. Public Service Commission of South Carolina Attn: Clerk's Office Post Office Drawer 11649 Columbia, South Carolina 29211

THANK YOU FOR YOUR ADVERTISEMENT!

If I can be of further assistance, please call : 864-298-4100